

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 Case No.: 3:23-cv-00211-MMD-CSD

4 RAPHAEL M. PROVINO,

5 Plaintiff

6 v.

7 FBI DIRECTOR CHRISTOPHER WRAY, et
 al.,

8 Defendants

Order

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10 On May 24, 2023, Plaintiff filed a complaint that was not accompanied by either the
11 \$402 filing fee (consisting of a \$350 filing fee and \$52 administrative fee) or an application to
12 proceed *in forma pauperis* (IFP).

13 A person may be granted permission to proceed IFP if the person “submits an affidavit
14 that includes a statement of all assets such [person] possesses [and] that the person is unable to
15 pay such fees or give security therefor. Such affidavit shall state the nature of the action, defense
16 or appeal and affiant’s belief that the person is entitled to redress.” 28 U.S.C. § 1915(a)(1); *Lopez*
17 *v. Smith*, 203 F.3d 1122, 1129 (9th Cir. 2000) (en banc) (stating that 28 U.S.C. § 1915 applies to
18 all actions filed IFP, not just prisoner actions).

19 The Local Rules of Practice for the District of Nevada provide: “Any person who is
20 unable to prepay the fees in a civil case may apply to the court for authority to proceed [IFP].
21 The application must be made on the form provided by the court and must include a financial
22 affidavit disclosing the applicant’s income, assets, expenses, and liabilities.” LSR 1-1.

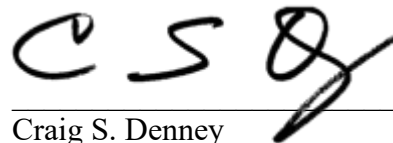
23 “[T]he supporting affidavits [must] state the facts as to [the] affiant’s poverty with some
particularity, definiteness and certainty.” *U.S. v. McQuade*, 647 F.2d 938, 940 (9th Cir. 1981)

1 (quotation marks and citation omitted). A litigant need not “be absolutely destitute to enjoy the
2 benefits of the statute.” *Adkins v. E.I. Du Pont de Nemours & Co.*, 335 U.S. 331, 339 (1948).

3 The Clerk shall **SEND** Plaintiff the instructions and application to proceed IFP for a non-
4 inmate. Plaintiff has **30 days** from the date of this order to either pay the \$402 filing fee or
5 submit a completed IFP application on the court’s form. A failure to do so may result in
6 dismissal of this action without prejudice.

7 **IT IS SO ORDERED.**

8 Dated: July 13, 2023

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10 Craig S. Denney
11 United States Magistrate Judge
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